

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

LARRY CLARK, JOSEPH HAUSER,)	
LYDIA JOHNSON, and LINDA CAVAZOS,)	
individually and on behalf of all others)	
similarly situated,)	
)	No.: 1:23-cv-01939
Plaintiffs,)	
)	Honorable Franklin U. Valderrama
v.)	
)	
MCDONALD’S CORPORATION,)	
)	
Defendant.)	
)	

STIPULATION

Plaintiffs Larry Clark, Joseph Hauser, Lydia Johnson, and Linda Cavazos (collectively, “Plaintiffs”) and McDonald’s Corporation (“McDonald’s”), by and through undersigned counsel, hereby stipulate and agree that the motion to dismiss briefing (less the transfer portion of that briefing), already on file and pending since before the case was transferred to the Northern District of Illinois, be considered by this Court without further briefing of the parties, as set forth more specifically below:

WHEREAS, on March 28, 2022 Plaintiffs initiated this case in the Southern District of Illinois.

WHEREAS, on June 1, 2022 McDonald’s submitted a Motion to Dismiss the First Amended Class Action Complaint (“Motion to Dismiss”), which included briefing on transfer of venue, Rule 12(b)(1) grounds for dismissal, and Rule 12(b)(6) grounds for dismissal. ECF 26.

WHEREAS, on July 1, 2022 Plaintiffs filed an Opposition (ECF 29) to the Motion to Dismiss, opposing all grounds stated in the Motion.

WHEREAS, due to local rules, no reply brief was filed and therefore the Motion to Dismiss is fully briefed.

WHEREAS, in early 2023, supplemental authorities were filed by both parties, including by McDonald's (ECF 32), with a response by Plaintiffs (ECF 33) and a reply by McDonald's (ECF 36), and by Plaintiffs (ECF 38) with a response by McDonald's (ECF 39).

WHEREAS, on March 27, 2023 the case was transferred to the Northern District of Illinois, without consideration of McDonald's Rule 12(b)(1) or 12(b)(6) arguments. Specifically, the court stated: "In light of transfer, the Court does not reach the other arguments in the Motion to Dismiss by McDonald's; the transferee court shall take up those matters." ECF 40.

WHEREAS, the parties believe it would be most efficient for the Court and the parties if the Court were to consider and rule upon the Motion to Dismiss on Rule 12(b)(1) and 12(b)(6) bases before any other proceedings.

WHEREAS, in the related case *McDowell v. McDonald's*, No. 1:22-cv-01688, there has been a fully briefed motion to dismiss pending for a similar amount of time.

WHEREAS, it would be inefficient and burdensome for the parties to re-brief the Motion to Dismiss in *Clark* at this juncture, or to consolidate this case and the *McDowell* case before the motions to dismiss in each case are decided, because such rulings will determine whether either case or both cases proceed, and in what form.

THEREFORE, the parties respectfully request that the Court consider and rule upon the remaining issues in the already briefed Motion to Dismiss, namely the Rule 12(b)(1) and Rule 12(b)(6) grounds for dismissal.

Dated: April 6, 2023

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the above filing was served upon counsel of record via the Court's electronic filing system on April 6, 2023.

/s/ Trenton H. Norris

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